

The Senate Committee on Public Safety offered the following substitute to SB 15:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 27 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
2 relating to loitering at or disrupting schools, so as to require public schools to have performed
3 certain site threat assessments; to provide for definitions; to require every public school to
4 prepare a school safety plan; to revise requirements for the contents of school safety plans;
5 to require drills upon school safety plans by public schools; to require the officer or agent in
6 charge of the Georgia Information Sharing and Analysis Center to establish a task force
7 within the center relating to preventing, discovering, responding to, and recovering from
8 threats, warnings, and developing situations regarding any public school; to provide for
9 school safety coordinators; to provide for the development and maintenance of a program for
10 training and certifying persons to act as school safety coaches; to amend Chapter 3 of
11 Title 35 of the Official Code of Georgia Annotated, relating to the Georgia Bureau of
12 Investigation, so as to establish that the bureau shall have limited jurisdiction throughout this
13 state for identifying and investigating threats, warnings, and developing situations regarding
14 public school safety; to provide for powers of agents of the bureau for such purposes; to
15 provide for subpoena powers for such purposes; to provide for the center's role in preventing,
16 discovering, responding to, and recovering from threats, warnings, and developing situations
17 regarding any public school; to provide for a short title; to provide for related matters; to
18 repeal conflicting laws; and for other purposes.

19 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

20 **SECTION 1.**

21 This Act shall be known and may be cited as the "Keeping Georgia's Schools Safe Act."

22 **SECTION 2.**

23 Article 27 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
24 loitering at or disrupting schools, is amended by revising Code Section 20-2-1185, relating
25 to school safety plans and drills, as follows:

26 "20-2-1185.

27 (a) As used in this Code section, the term 'site threat assessment' means conducting an
28 evaluation for purposes of most effectively responding to, or preventing or reducing, the
29 threat of violence, mass casualty incidents and other acts of terrorism, natural disasters, and
30 hazardous materials or radiological accidents.

31 (b)(1) Trained and approved private individuals and entities or government agencies may
32 provide site threat assessments to public schools. After July 1, 2019, such individuals or
33 entities shall be certified prior to providing a site threat assessment to a public school;
34 provided, however, that no government agency shall be required to obtain a certification
35 for purposes of this Code section in conducting such site threat assessments. The Georgia
36 Emergency Management and Homeland Security Agency shall certify and maintain a list
37 of individuals and entities approved for purposes of this Code section to provide site
38 threat assessments to public schools.

39 (2) By January 1, 2021, or prior to its opening for use by students, and every four years
40 thereafter, every public school shall have performed a site threat assessment of its
41 buildings, facilities, and campuses by an individual or entity approved pursuant to
42 paragraph (1) of this subsection or by a government agency. Such site threat assessment
43 shall inform the preparation and maintenance of a school safety plan as provided for in
44 subsection (c) of this Code section.

45 (a)(c) Every public school shall prepare, and review and update annually as necessary, a
46 school safety plan to help curb the growing incidence of violence in schools, to respond
47 effectively to such incidents, and to provide a safe learning environment for Georgia's
48 children, teachers, and other school personnel. Such plan shall also address preparedness
49 for natural disasters, hazardous materials or radiological accidents, acts of violence, and
50 acts of terrorism. School safety plans of public schools shall be prepared with input from
51 students enrolled in that school, parents or legal guardians of such students, teachers in that
52 school, community leaders, other school employees and school district employees, and
53 local law enforcement, juvenile court, fire service, public safety, and emergency
54 management agencies. Such plans of public schools shall be submitted to the Georgia
55 Department of Education after the approval of such plans by a local law enforcement
56 agency designated as having approval authority by the local board of education. As part
57 of such plans, public schools shall provide for the coordination with local law enforcement
58 agencies and the local juvenile court system. School safety plans shall include, at a
59 minimum, the following strategy areas:

60 (1) Training school administrators, teachers, and support staff, including, but not limited
61 to, school resource officers, security officers, secretaries, custodians, and bus drivers, on

62 school violence prevention, school security, school threat assessment, mental health
63 awareness, and school emergency planning best practices;

64 (2) Evaluating and refining school security measures;

65 (3) Updating and exercising school emergency preparedness plans;

66 (4) Strengthening partnerships with public safety officials; ~~and~~

67 (5) Creating enhanced crisis communications plans and social media strategies;

68 (6) Addressing security issues in school safety zones as defined in Code Section
69 16-11-127.1;

70 (7) Addressing security issues involving school functions held during noninstructional
71 hours; and

72 (8) Addressing security issues involving the transportation of pupils to and from school
73 and school functions when such transportation is furnished by the school or school
74 system.

75 (d) School safety plans of private schools may be prepared with input from students
76 enrolled in that school, parents or legal guardians of such students, teachers in that school,
77 other school employees, and local law enforcement, fire service, public safety, and
78 emergency management agencies. Such plans shall be reviewed and, if necessary, updated
79 annually. ~~Such plans of public schools shall be submitted to the local emergency~~
80 ~~management agency and the local law enforcement agency for approval.~~

81 ~~(b)~~(e) A public school may request funding assistance from the state for facilities,
82 technology, or other safety improvements or initiatives, such as the installation of safety
83 equipment, including, but not limited to, video surveillance cameras, metal detectors,
84 alarms, communications systems, building access controls, and other similar security
85 devices. The Department of Education shall establish criteria that will be applied in
86 reviewing funding requests pursuant to this subsection which shall take into consideration
87 the physical security needs of the public school in evaluating how the school safety plan
88 and funding request will support such physical security needs. Funding may be provided
89 to a public school in accordance with a school safety plan prepared by the school and
90 approved ~~by the local board of education, the local law enforcement agency, the~~
91 ~~Department of Education, and the Georgia Emergency Management and Homeland~~
92 ~~Security Agency as provided for in subsection (c) of this Code section;~~ provided, however,
93 that a public school shall be required to match the state funding with local funds unless the
94 school can demonstrate a substantial hardship.

95 ~~(c)~~ School safety plans prepared by public schools shall address security issues in school
96 safety zones as defined in Code Section 16-11-127.1. School safety plans should also
97 address security issues involving the transportation of pupils to and from school and school

98 ~~functions when such transportation is furnished by the school or school system and school~~
 99 ~~functions held during noninstructional hours.~~

100 ~~(d)~~(f) The Georgia Emergency Management and Homeland Security Agency shall provide
 101 training and technical assistance to public school systems, and may provide this same
 102 training and technical assistance to private school systems and independent private schools
 103 throughout this state in the area of emergency management and safe school operations.
 104 This training and technical assistance shall include, but not be limited to, crisis response
 105 team development, site surveys and ~~safety audits~~ site threat assessments, crisis management
 106 planning, exercise design, safe school planning, emergency operations planning, search and
 107 seizure, bomb threat management, and model school safety plans.

108 ~~(e)~~(g) Every public school shall conduct drills with students, teachers, and other school
 109 personnel on the execution of school safety plans in such form and at such intervals based
 110 upon guidance from the Georgia Emergency Management and Homeland Security Agency;
 111 provided, however, that drills with students, teachers, and other school personnel for
 112 responses to fire, weather, acts of violence, and acts of terrorism shall each occur at
 113 intervals of at least once per school year.

114 (h) Each principal of each public school shall serve as the school safety coordinator or
 115 shall designate a school safety coordinator from among such school's administrative,
 116 teaching, or counseling staff. Such school safety coordinator shall:

117 (1) At least annually beginning on June 1, 2020, and within 15 days of June 1 in every
 118 year thereafter, issue a report to the local board of education on a form provided by the
 119 local board of education regarding the fulfillment of the requirements provided for under
 120 this Code section;

121 (2) Coordinate with the Georgia Bureau of Investigation, the Georgia Emergency
 122 Management and Homeland Security Agency, the Georgia Information Sharing and
 123 Analysis Center, and the Department of Education concerning consideration and
 124 distribution of school security best practices;

125 (3) When reasonable suspicion of student criminal activity exists, report such suspicion
 126 to any local law enforcement agency having jurisdiction over the geographical area of the
 127 school; and

128 (4) Work with all levels of law enforcement and mental health and social services
 129 providers whenever information from student profiles or student behavior warrants."

130 SECTION 3.

131 Said article is further amended by adding new Code sections to read as follows:

132 "20-2-1186.

133 (a) The Department of Education shall work with all state and local governmental entities
134 having a role in school safety to ensure proper communication and sharing of pertinent
135 information relating to threats, warnings, and developing situations regarding public
136 schools in this state. The Department of Education shall study, evaluate, develop, and
137 share best practices to keep such schools and students safe from internal and external
138 manmade threats. The Department of Education is authorized to apply for, receive, and use
139 federal or state grant funding relating to school safety.

140 (b) The officer or agent charged with operating the Georgia Information Sharing and
141 Analysis Center as provided for in Article 9 of Chapter 3 of Title 35 shall track, share, and
142 provide homeland security activity information to the director of emergency management
143 and homeland security, the state school superintendent, and the local law enforcement
144 agency with jurisdiction relating to threats, warnings, and developing situations regarding
145 public schools in this state.

146 20-2-1187.

147 (a) The Georgia Emergency Management and Homeland Security Agency, in conjunction
148 with the Department of Education, shall develop and maintain a program for training and
149 certifying persons to act as school safety coaches within public schools. Such school safety
150 coaches shall serve as a resource in executing the school safety plan and as a presence in
151 identifying safety concerns and potential imminent threats for notification of school
152 personnel and any local law enforcement agency. Persons certified pursuant to this
153 subsection shall be members or former members of the armed forces of the United States,
154 a law enforcement agency, or a fire department or shall be licensed or certified pursuant
155 to Article 3 of Chapter 11 of Title 31.

156 (b) Public schools may use persons trained or certified pursuant to subsection (a) of this
157 Code section to serve as school safety coaches. Each local board of education may
158 determine the terms of service of such school safety coaches and whether such school
159 safety coaches shall serve with compensation or without compensation on a voluntary
160 basis.

161 20-2-1188.

162 The Georgia Information Sharing and Analysis Center shall maintain a smartphone or other
163 digital application whereby persons may report observations of what such persons believe
164 to be suspicious, unsafe, or unlawful activity. Such information submitted through such
165 application shall be submitted directly to the Georgia Information Sharing and Analysis
166 Center in a manner that does not intentionally identify through the application the name,

167 home address, email address, telephone number, or other identifying information of such
 168 person who submits such reports."

169 **SECTION 4.**

170 Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia
 171 Bureau of Investigation, is amended in subsection (a) of Code Section 35-3-4, relating to
 172 powers and duties of bureau generally, by revising paragraphs (14) and (15) and by adding
 173 a new paragraph to read as follows:

174 "(14) Identify and investigate violations of Article 8 of Chapter 5 of Title 16; and
 175 (15)(A) Acquire, collect, analyze, and provide to the board any information which will
 176 assist the board in determining a sexual offender's risk assessment classification in
 177 accordance with the board's duties as specified in Code Section 42-1-14, including, but
 178 not limited to, obtaining:

179 (i) Incident, investigative, supplemental, and arrest reports from law enforcement
 180 agencies;

181 (ii) Records from clerks of court;

182 (iii) Records and information maintained by prosecuting attorneys;

183 (iv) Records maintained by state agencies, provided that any records provided by the
 184 State Board of Pardons and Paroles that are classified as confidential state secrets
 185 pursuant to Code Section 42-9-53 shall remain confidential and shall not be made
 186 available to any other person or entity or be subject to subpoena unless declassified
 187 by the State Board of Pardons and Paroles; and

188 (v) Other documents or information as requested by the board.

189 (B) As used in this paragraph, the term:

190 (i) 'Board' means the Sexual Offender Registration Review Board.

191 (ii) 'Risk assessment classification' means the level into which a sexual offender is
 192 placed based on the board's assessment.

193 (iii) 'Sexual offender' has the same meaning as set forth in Code Section 42-1-12; and

194 (16) Act as the primary state law enforcement agency with limited jurisdiction
 195 throughout this state for identifying and investigating threats, warnings, and developing
 196 situations involving homeland security activity as defined by Code Section 35-3-200."

197 **SECTION 5.**

198 Said chapter is further amended by adding a new Code section to read as follows:

199 "35-3-4.5.

200 (a) In any investigation involving paragraph (2) of subsection (a) of Code Section 35-3-8,
 201 the director, assistant director, or deputy director for investigations shall be authorized to

202 issue a subpoena, with the consent of the Attorney General, to compel the production of
 203 books, papers, documents, or other tangible things, including records and documents
 204 contained within, or generated by, a computer or any other electronic device.

205 (b) A provider of electronic communication service or remote computing service shall not
 206 provide notification of the subpoena issued pursuant to subsection (a) of this Code section
 207 to the subscriber or customer of such service.

208 (c) Upon the failure of a person without lawful excuse to obey a subpoena, the director,
 209 assistant director, or deputy director for investigations, through the Attorney General or
 210 district attorney, may apply to a superior court having jurisdiction for an order compelling
 211 compliance. Such person may object to the subpoena on grounds that it fails to comply
 212 with this Code section or upon any constitutional or other legal right or privilege of such
 213 person. The court may issue an order modifying or setting aside such subpoena or
 214 directing compliance with the original subpoena. Failure to obey a subpoena issued under
 215 this Code section may be punished by the court as contempt of court."

216 **SECTION 6.**

217 Said chapter is further amended by revising Code Section 35-3-8, relating to powers of
 218 agents of bureau generally, as follows:

219 "35-3-8.

220 (a) All properly appointed agents of the bureau shall have the powers, including the power
 221 of making arrests and appearing in court, for ~~the~~:

222 (1) The enforcement of all criminal statutes pertaining to the manufacture, transportation,
 223 distribution, sale, or possession of liquor, wine, beer, alcoholic beverages, cigars,
 224 cigarettes, little cigars, cheroots, stogies, and loose or smokeless tobacco and shall
 225 concurrently with agents and enforcement officers appointed by the state revenue
 226 commissioner have the authority throughout the state as provided for under subsection (b)
 227 of this Code section; and

228 (2) Identifying and investigating threats, warnings, and developing situations involving
 229 homeland security activity as defined by Code Section 35-3-200.

230 (b) In exercising the powers provided for under subsection (a) of this Code section, agents
 231 of the bureau shall have the authority to:

232 (1) Obtain and execute warrants for the arrest of persons charged with violations of such
 233 laws;

234 (2) Obtain and execute search warrants in the enforcement of such laws;

235 (3) Arrest without warrant any person found in violation of such laws, or endeavoring
 236 to escape, or if for other cause there is likely to be a failure of enforcement of such laws
 237 for want of an officer to issue a warrant;

238 (4) Make investigations in the enforcement of such laws and in connection therewith to
 239 go upon any property outside of buildings, posted or otherwise, in the performance of
 240 such duties;

241 (5) Seize and take possession of all property which is declared contraband under such
 242 laws; and

243 (6) Carry firearms while performing their duties.

244 ~~(b)~~(c) The enforcement powers conferred in paragraph (1) of subsection (a) of this Code
 245 section upon agents of the bureau shall relate only to the enforcement of the criminal
 246 provisions relating to the manufacture, transportation, distribution, sale, or possession of
 247 liquor, wine, beer, alcoholic beverages, cigars, cigarettes, little cigars, cheroots, stogies,
 248 and loose or smokeless tobacco and shall not extend to regulatory matters with respect to
 249 such products under the jurisdiction of the state revenue commissioner.

250 (d)(1) For the purposes of consistent reporting and to avoid conflict, upon discovery of
 251 information or events relevant to paragraph (2) of subsection (a) of this Code section, a
 252 local law enforcement agency shall notify the bureau of such discovery and, upon actual
 253 receipt, the bureau shall immediately acknowledge receipt of such information.

254 (2) Upon discovery of information or events relevant to paragraph (2) of subsection (a)
 255 of this Code section that is not provided for in paragraph (1) of this subsection, the bureau
 256 shall notify any local law enforcement agency having jurisdiction over the geographical
 257 area pertaining to such information or events prior to dispatching agents of the bureau to
 258 such area for purposes of responding to or investigating such information or events."

259 SECTION 7.

260 Said chapter is further amended by revising Code Section 35-3-200, relating to definitions,
 261 as follows:

262 "35-3-200.

263 As used in this article, the term:

264 (1) 'Center' means the Georgia Information Sharing and Analysis Center.

265 (2) 'Fusion center' means collaborative effort which combines resources, expertise,
 266 intelligence, and other information from various agencies of state and local governments
 267 with the goal of maximizing the ability of this state to detect, prevent, and respond to
 268 criminal activities or to otherwise engage in homeland security activities.

269 (3) 'Homeland security activity' means any activity related to the prevention or discovery
 270 of, response to, or recovery from:

271 (A) A terrorist attack;

272 (B) A hostile military or paramilitary action; or

273 (C) An extraordinary law enforcement emergency, as designated by the Governor;
274 provided, however, that such emergency shall include the prevention or discovery of,
275 response to, or recovery from mass casualty threats, warnings, and developing
276 situations at any public elementary school, secondary school, or local board of
277 education."

278 **SECTION 8.**

279 All laws and parts of laws in conflict with this Act are repealed.